CWP 171 of 2000

11.5.2007 Present: Mr. V.D.Khidta, counsel for the petitioner.

Mr. Bhupender Gupta, Sr. Advocate, with Mr. Neeraj Gupta, for the respondents.

The petitioner has filed this writ petition against the order of his dismissal from service (Annexure P-15) and the inquiry held by the Inquiry Officer (Annexure P-8). He was dismissed from service on the ground that he had misappropriated stocks to the extent of Rs.1,68,278.52 paise.

The respondents had instituted civil suit No. 221/1/04/1997 against the petitioner in the Court of learned Civil Judge (Junior Division), Solan on 18.9.1997 for recovery of this amount. The suit was decreed on 30.11.2005. The petitioner herein who was the defendant in the civil suit preferred an appeal in the Court of learned District Judge, being Civil Appeal No. 14-S/13 of 2006 which was decided on 28.7.2006. The appeal was dismissed and no appeal has been filed against this judgment and decree in this Court.

The subject matter of the civil suit and the writ petition is the same. The judgment in the civil suit having attained finality, this writ petition does not survive and is disposed of as such. There shall be no order as to costs.

May 11, 2007 (PC). (Dev Darshan Sud), J.